

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

10 || JOVIAN WILLIAM DAVIS,

Case No. CV 13-8179-GW(LAL)

Petitioner.

V.

13 RAYMOND MADDEN, Warden,

**ORDER ACCEPTING REPORT AND
RECOMMENDATION OF UNITED
STATES MAGISTRATE JUDGE AND
DENYING CERTIFICATE OF
APPEALABILITY**

Respondent.

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17 Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, the Magistrate Judge's
18 Report and Recommendation, Petitioner's Objections to the Report and Recommendation, and
19 the remaining record, and has made a *de novo* determination.

20 Petitioner's Objections generally lack merit for the reasons set forth in the Report and
21 Recommendation

22 | Accordingly, IT IS ORDERED THAT:

1. The Report and Recommendation is approved and accepted;
2. Judgment be entered denying the Petition and dismissing this action with prejudice; and
3. The Clerk serve copies of this Order on the parties.

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Additionally, for the reasons stated in the Report and Recommendation, the Court finds that Petitioner has not made a substantial showing of the denial of a constitutional right.¹ Thus, the Court declines to issue a certificate of appealability.

DATED: October 17, 2016

HONORABLE GEORGE H. WU
UNITED STATES DISTRICT JUDGE

²⁸ See 28 U.S.C. § 2253; Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S. 322, 336, 123 S. Ct. 1029, 154 L. Ed. 2d 931 (2003).